

Message Text

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ACTION DLOS-09

INFO OCT-01 AF-10 NEA-10 ISO-00 FEA-01 ACDA-07 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 USIA-06 /131 W
-----240620Z 099616 /10

R 200331Z APR 77
FM AMEMBASSY MUSCAT
TO SECSTATE WASHDC 3177
INFO AMEMBASSY ABU DHABI
AMEMBASSY CAIRO
AMEMBASSY DOHA
AMEMBASSY JIDDA
AMEMBASSY KHARTOUM
AMEMBASSY KUWAIT
AMEMBASSY MANAMA
AMEMBASSY MODADISCIO
AMEMBASSY SANA
AMEMBASSY TEHRAN
USINT BAGHDAD

C O N F I D E N T I A L SECTION 1 OF 2 MUSCAT 0647

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LAW OF THE SEA: OMANI VIEWS ON PERSIAN GULF, RED SEA,
AND OTHER ISSUES

REF: STATE 073110 NOTAL

1. DCM DISCUSSED LAW OF THE SEA ISSUES APRIL 19 WITH ZAHER
AL-KINDI, HEAD OF FOREIGN MINISTRY LEGAL DEPARTMENT. KINDI WILL
LEAVE FOR NEW YORK NEXT MONTH TO BE DEPUTY HEAD OF OMANI DELEGA-
TION AT UPCOMING LAW OF THE SEA CONFERENCE. KINDI'S COMMENTS
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TO DCM ON MAJOR OUTSTANDING QUESTIONS ARE OUTLINED BELOW.

I. PERSIAN GULF

DCM ASKED IF CLOSED SWA CONCEPT FOR GULF HAD ARISEN AT RECENT
BAGHDAD MEETING (REFTEL). HE SAID NO, IT HAD NOT. ELABOR-
ATING, HE NOTED THIS IS AN IDEA THAT DATES BACK SEVERAL YEARS.

HE CALLED IT A HALF-FORMED PLAN WITHOUT MUCH FUTURE, THOUGH SOME GULF STATES TEND TO FAVOR IT. (ASKED WHICH ONES, HE SAID ONLY "SOME OF THE SMALLER ONES".) THE PLAN DISINTEGRATES ON THE INABILITY OF GOVERNMENTS INVOLVED TO AGREE ON POLICY FOR GULF. SUCH COOPERATION IS VITAL TO THE PLAN, FOR IDEA IS TO HAVE GULF ACCEPTED AS EITHER AN "INTERNAL SEA" ON MODEL OF GREAT LAKES OR "ENCLOSED SEA" LIKE BLACK SEA, SO THAT LITTORAL STATES WOULD HAVE JOINT VOICE IN ITS MARITIME AFFAIRS. SHOULD CONCEPT IN ITS EXTREME FORM EVER BE APPLIED, KINDI STATED, THE CONSEQUENCES WOULD BE SEVERE. ENTIRETY OF GULF'S WATERS COULD THEN BE CONSIDERED TERRITORIAL SEAS OF LITTORAL STATES, AND LEGAL STATUS OF PASSAGE THROUGH STRAITS OF HORMUZ WOULD BE AFFECTED. BECAUSE OF POTENTIAL EXPLOSIVENESS OF ISSUE, KINDI ADDED, OMAN HAS ALWAYS AVOIDED TAKING A STAND. HE STRESSED, HOWEVER, THAT THE SCHEME IS NOT LIKELY TO GET VERY FAR.

II. RED SEA

KINDI SAID THERE WAS NO PLAN TO MAKE RED SEA A CLOSED SEA. SUCH IDEA IS NOT BEING ADVANCED BY ANY RED SEA STATE. WHAT THESE STATES ARE LIKELY TO FOCUS ON, AS RESULT OF THEIR RECENT CONSULTATIONS UNDER INITIATIVE OF PRESIDENT NUMEIRY, IS PASSAGE THROUGH BAB EL-MANDEB. KINDI REMARKED THAT WE SHOULD LOOK FOR NEW "TOUGHNESS" FROM THESE GOVERNMENTS ON STRAITS ISSUE.

III. STRAITS PASSAGE

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IT WAS CLEAR FROM MANY OF KINDI'S REMARKS THAT OMANGOV CONSIDERS THAT ISSUE OF STRAITS PASSAGE IS FAR FROM LAID TO REST. HE CONCEDED THAT "TRANSIT PASSAGE" IS WIDELY ACCEPTED FORMULA UNDERCUTTING OMAN'S HOPES FOR MORE RESTRICTIVE "INNOCENT PASSAGE" DOCTRINE. HOWEVER, OMAN DOES NOT ACCEPT THIS FORMULA, EVEN THOUGH IT IS ENSHRINED IN THE NEGOTIATING TEXT. HE BELIEVED OMAN IS FAR FROM ALONE IN STICKLING TO "INNOCENT PASSAGE", AND HE ADDED THAT SOVIET UNION AND SATELLITES ARE AGAINST FORMULA FROM OPPOSITE EXTREME, I.E. FROM ADHERENCE TO UNLIMITED TRANSIT. HE NOTED USG FAVORS UNLIMITED TRANSIT BUT ACCEPTS "TRANSIT PASSAGE" COMPROMISE. IMPORTANCE OF FREE NAVIGATION THROUGH INTERNATIONAL STRAITS TO USG WAS EMPHASIZED BY DCM.

IV. DEEP SEABED MINING

KINDI ASKED IF USG POSITION ON DEEP SEABED MINING WAS STILL AS DESCRIBED IN AIDE MEMOIRE WHICH WE HAD PRESENTED TO FOREIGN MINISTRY LAST JANUARY BASED ON STATE 009443. HE BE-

LIEVED THE ISSUE IS PRESENTLY VERY FLUID. OMAN'S POSITION IS NOT STRONGLY HELD, HE CONCEDED, AND OMANGOV WOULD PROBABLY ACCEPT GENERAL AGREEMENT IF ONE EVER EMERGES. OMAN'S CURRENT STAND IS THAT INSISTENCE ON ASSURED ACCESS IN AMERICAN POSITION IS FINE, BUT THAT ADEQUATE SAFEGUARDS FOR STATES UNABLE TO EXPLOIT THE DEEP SEABED HAVE NOT YET BEEN DEvised.

V. THE ECONOMIC ZONE

OMAN DISAGREES WITH UNITED STATES IN OUR INSISTENCE THAT THE ECONOMIC ZONE IS PART OF THE HIGH SEAS. IN HOLDING THAT THE ZONE "HAS A PERSONALITY OF ITS OWN", KINDI CLAIMED, OMAN TAKES A POSITION BETWEEN THIS USG VIEW AND OPPOSITE THEORY ADHERED TO BY SOME EXPERTS THAT ZONE "TAKES ON CHARACTER OF THE TERRITORIAL SEA". HE THUS TRIED PORTRAY OMANI STAND AS MODERATE AND MIDDLE-OF-THE-ROAD. DCM STRESSED IMPORTANCE OF FREE NAVIGATION IN ECONOMIC ZONE AS ON HIGH SEAS.

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C O N F I D E N T I A L SECTION 2 OF 2 MUSCAT 0647

VI. MARINE SCIENTIFIC RESEARCH

CONVERSATION TOUCHED BRIEFLY ON ISSUE OF SCIENTIFIC RESEARCH
IN ECONOMIC ZONE, WITH USG POSITION OUTLINED IN STATE
009443 SERVING AS BASIS OF DISCUSSION. KINDI CONSIDERED THE
DISTINCTION BETWEEN RESEARCH DIRECTED AT RESOURCE EXPLOITATION
AND OTHER KINDS OF RESEARCH TO BE TOO DIFFICULT TO MAKE. HE
WOULD PREFER TO GIVE COASTAL STATES RIGHT OF CONSENT IN ALL
CASES AND "TRUST THE COASTAL STATES TO BE REASONABLE".
DCM ARGUE THAT DOCTRINES OF ADVANCE NOTICE, PARTICIPATION,
AND SHARING OF DATA PROVIDE AMPLE PROTECTION TO COASTAL STATES,
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BUT KINDI DID NOT APPEAR CONVINCED.

2. ACTION REQUESTED: WHILE WE UNDERSTAND THAT CURRENT USG POSITION
ABOVE ISSUES MAY BE UNDER REVIEW AND NOT READY FOR TRANSMISSION
TO POSTS, WE WOULD APPRECIATE AT EARLIEST POSSIBLE TIME OUTLINE
OF OUR CURRENT STAND ON ALL THESE QUESTIONS. WE WOULD SEEK
TO CONVEY THESE TO KINDI BEFORE HE LEAVES FOR NEW YORK, TOGETHER
WITH ANY ARGUMENTS DEPARTMENT MAY DEEM MOST USEFUL IN
SWAYING OMANI VIEWS.
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Message Attributes

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To: STATE
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